



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Water & Wastewater Infrastructure
Development Division
DRINKING WATER BUREAU
525 Camino de Los Marquez, Suite 4
Santa Fe, New Mexico 87505
Telephone (505)476-8620
Fax (505)476-8656
www.nmenv.state.nm.us/dwb/dwbtop.html



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

KAREN E. GALLEGOS
Director

CERTIFIED RETURN RECEIPT REQUESTED
7006 0810 0005 7274 2331

October 27, 2008

Mr. David Dain
Green Ridge MDWCA
P.O. Box 308
Tijeras, NM 87059

**RE: ADMINISTRATIVE COMPLIANCE ORDER NO. 2008-CO-018, GREEN RIDGE
MUTUAL DOMESTIC WATER CONSUMER ASSOCIATION, NM3502401**

Dear Mr. Dain:

Please find attached an Administrative Compliance Order, No. 2008-018 issued to Green Ridge Mutual Domestic Water Consumer Association (MDWCA), PWS# NM3502401 under 74-1-10.E NMSA 1978 (See Exhibit A enclosed). Please review the Administrative Compliance Order (Order) carefully to understand what actions must be taken to comply with the requirements of the Order. Green Ridge MDWCA (Respondent) has a right to answer the allegations in the Order and request a hearing under 20.1.5 NMAC (See Exhibit B enclosed).

If you continue to operate the public water system in violation of the Drinking Water Regulations, NMED may escalate the present enforcement action to an Administrative Compliance Order with Penalties.

If you have any questions, please call Danny Valenzuela, Enforcement Coordinator of the Drinking Water Bureau, at 1-877-654-8720 or (505) 476-8649, or Ms. Angela Cross, oversight staff for Green Ridge MDWCA, at (505) 222-9529.

Sincerely,

Karen E. Gallegos, Director
Water & Wastewater Infrastructure
Development Division, Drinking Water Bureau

cc. Clancy Roberts, Bureau Chief
Pat Akins, Manager District I
Angela Cross, Oversight, District I
Danny Valenzuela, Enforcement Coordinator
Rob Pine, Manager Capacity Development
Mike Huber, Manager
U.S Environmental Protection Agency, Region 6, Chelo Hall
Central File

**STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT**

**NEW MEXICO ENVIRONMENT DEPARTMENT
WATER & WASTEWATER INFRASTRUCTURE
DEVELOPMENT DIVISION
DRINKING WATER BUREAU**

Complainant,

No. 2008-CO-018

v.

**GREEN RIDGE MUTUAL DOMESTIC WATER CONSUMER ASSOCIATION,
PWS # NM3502401**

Respondent.

ADMINISTRATIVE COMPLIANCE ORDER

Pursuant to the Environmental Improvement Act ("EIA"), NMSA 1978, § 74-1-1, the Secretary of the New Mexico Environment Department ("NMED"), acting through the Director of the Water & Wastewater Infrastructure Development Division of NMED, issues this Administrative Compliance Order ("Order") to Green Ridge Mutual Domestic Water Consumer Association ("Respondent") to enforce the EIA.

FINDINGS OF FACT

1. NMED is an executive agency within the government of the State of New Mexico and is charged with administration and enforcement of the EIA, the Drinking Water Regulations, 20.7.10 NMAC.
2. Respondent is a domestic non-profit association and operates a public water system with a mailing address of P.O. Box 308, Tijeras, NM 87059.

3. Respondent owns and operates a drinking water system (System) located in Bernalillo County, New Mexico.

4. The System is a community public water system that regularly provides piped drinking water to approximately one hundred thirty (130) year-round residents and has fifty six (56) service connections to serve these residents.

5. The System consists of a single ground water well in the Estancia Basin, chlorine injection for oxidation and disinfection, particulate removal using bag and cartridge filtration, arsenic treatment by ferric oxide adsorption, a 50,000 gallon bolted steel ground water storage tank and distribution lines of C900. The system was constructed with a direct ground water storage tank, where water flows to the tank prior to all points in distribution. The water system changed the configuration so that water is directed to the tank based on demand in distribution.

6. On March 19, 2008, respondent submitted a proposed corrective action plan to NMED identifying the steps that will be taken to bring the water system into full compliance with Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b), *Maximum contaminated levels (MCL) for inorganic contaminant Fluoride*.

VIOLATION ONE (1)

7. Respondent is in violation of Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b), *Maximum contaminated levels (MCL) for inorganic contaminant Fluoride*, which requires a public water system not to exceed the MCL for Fluoride of 4.0 mg/L. Respondent has exceeded the MCL for Fluoride during 2007 with a concentration of 8.5 mg/L, first quarter of 2008 with a concentration of 9.0 mg/L, and the second quarter of 2008 with a concentration of 9.4 mg/L

RETURN TO COMPLIANCE

Based upon the foregoing findings and conclusions, Respondent is hereby ordered to comply with the following order:

8. In July 2008, respondent completed a preliminary engineering report (PER) to determine what options are available to enable long term compliance with the provisions of 20.7.10.100 NMAC, incorporating 40 C.F.R. § parts 141 and 143. Respondent provided NMED with a copy of the PER for review, comment and approval on August 25, 2008. NMED will review the PER to determine whether this study includes preliminary engineering designs and specifications for each option, an estimate of capital costs for each option, and an estimate of the time frame for completing construction, modification or repair to the System necessary under each option and whether the study considers any alternative water supply options the Respondent may deem appropriate. Following the approval of the PER by NMED respondent shall immediately pursue funding in order to implement the engineering design selected to return the water system to compliance.

9. By December 31, 2009, respondent shall have secured funding to implement a solution identified in the PER such that full compliance is achieved with Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.64(b) *MCL for inorganic contaminant Fluoride*.

10. No later than December 31 2010, Respondent shall be in full compliance with Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.64(a), *MCL for inorganic contaminant Fluoride*.

11. Each submittal made pursuant to this Order shall be sent by standard U.S. Mail or certified mail with return receipt requested to the following address:

**New Mexico Environment Department
Drinking Water Bureau
San Antonio Drive, N.E.
Albuquerque, NM, 87109
Attn: Ms. Angela Cross (505) 222-9529**

IF RESPONDENT FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER, THE SECRETARY MAY ASSESS CIVIL PENALTIES NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000) FOR EACH INSTANCE OF NONCOMPLIANCE.

RIGHT TO ANSWER AND REQUEST A HEARING

Pursuant to NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.nmenv.state.nm.us), Respondent has the right to request a hearing. If Respondent (a) contests any material or legal matter upon which this Order is based; (b) contends that Respondent is entitled to prevail as a matter of law; or (c) otherwise contests the appropriateness of this Order, Respondent may mail or deliver within thirty (30) days of receipt of this Order a written Request for Hearing to the following address:

**Hearing Clerk
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502-6110**

Respondent must attach a copy of this Order to the Request for Hearing. 20.1.5.200.A(2)(d) NMAC.

The Request for Hearing shall include an Answer. Respondent's Answer shall clearly and directly admit, deny or explain each of the factual allegations contained in this Order with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a

particular factual allegation, Respondent should so state, and the Respondent may deny the allegation on that basis. Any allegation of this Order not specifically denied shall be deemed admitted. 20.1.5.200.A(2)(a) NMAC.

Respondent's Answer shall also include any affirmative defenses upon which Respondent intends to rely. Any affirmative defense not asserted in the Answer, except a defense asserting lack of subject matter jurisdiction, shall be deemed waived. 20.1.5.200.A(2)(b) NMAC.

Lastly, Respondent's Answer shall be signed under oath or affirmation that the information contained therein is to the best of the signer's knowledge believed to be true and correct. 20.1.5.200.A(2)(c) NMAC.

FINALITY OF ORDER

Pursuant to NMSA 1978, §§ 61-33-10.E and 74-1-10.E, this Order shall become final unless the Respondent files a Request for Hearing with the Hearing Clerk within thirty (30) days of receipt of this Order.

SETTLEMENT CONFERENCE

Whether or not a Request for Hearing has been filed, Respondent may confer with the NMED concerning settlement of this Order. The NMED encourages settlement consistent with the provisions and objective of the EIA and the Regulations. Settlement discussions neither extend the thirty (30) day deadline for filing a request for hearing and answer nor alter the deadlines imposed for compliance with the mandates of this Order. Settlement discussions may be pursued as an alternative to, and simultaneously with, the hearing proceedings. Respondent may appear at the settlement conference alone or accompanied or represented by legal counsel.

A Stipulated Order shall finalize any settlement reached by the parties. The Stipulated Order must resolve all issues raised in this Order, shall be final and binding on all parties, and may not be appealed.

To explore the possibility of settlement in this matter, contact Danny Valenzuela, Enforcement Coordinator, Drinking Water Bureau, New Mexico Environment Department, 525 Camino de los Marquez, Santa Fe, N.M. 87505, (505) 476-8649.

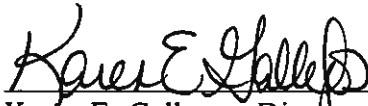
COMPLIANCE WITH OTHER LAWS

Compliance with the requirements of this Order does not relieve Respondent of the obligation to comply with all other applicable laws and regulations. This Order does not constitute a waiver, suspension, or modification of the requirements of 20.7.10 NMAC or 20.7.4 NMAC which remain in full force and effect. Issuance of this Order is not an election by the NMED to forgo any civil or criminal action otherwise authorized under the Act.

TERMINATION

This Order shall terminate when Respondent certifies that all requirements of this Order have been met and NMED has approved such certification in writing and Respondent has been violation free for a period of at least one year following the issuance of this Order or when the Secretary approves a Final Stipulated Order

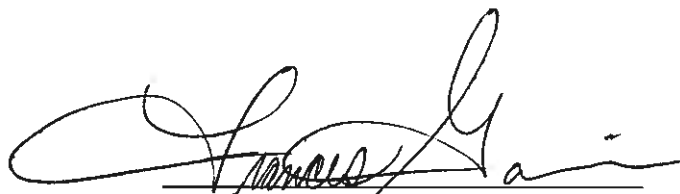
10-27-2008
Date


Karen E. Gallegos, Director
Water & Wastewater Infrastructure
Development Division, Drinking Water Bureau
525 Camino de Los Marquez, Suite 4
Santa Fe, New Mexico 87505
(505) 476-8611

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Administrative Compliance Order was sent via certified return receipt requested on the following party of record on October 28th, 2008.

Mr. David Dain
Green Ridge MDWCA
P.O. Box 308
Tijeras, NM, 87059



Frances Garcia